



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,981	01/28/2002	Julian Bowron	41554-0011	6718

7590 08/15/2007
David J. Heller
c/o Ridout & Maybee LLP
Suite 2400
One Queen Street East
Toronto, ON M5C 3B1
CANADA

EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
----------	--------------

3637

MAIL DATE	DELIVERY MODE
-----------	---------------

08/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/055,981

Applicant(s)

BOWRON, JULIAN

Examiner

James O. Hansen

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-23 and 25-42 is/are pending in the application.
- 4a) Of the above claim(s) 9,10,14,16-20,26,29,30,32 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7,11-13,15,21-23,25,28 and 34-42 is/are rejected.
- 7) ☒ Claim(s) 8,27 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 24, 2007 has been entered.

Election/Restrictions

2. Claims 9, 10, 14, 16-20, 26, 29, 30, 32 & 33 are still withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to both a nonelected species and an invention, there being no allowable generic or linking claim. Applicant timely traversed the requirement, but the arguments were not persuasive and consequently the requirement was made Final in the Office Action mailed December 19, 2005. It is noted that applicant still has claims [that are withdrawn] with incorrect status identifiers. Applicant needs to correct the status identifiers in response to this action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

Art Unit: 3637

applicant regards as the invention. Claim 27 is dependent upon canceled claim 24.

For examination purposes, claim 27 will be treated as being dependent upon claim 25.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 6, 7, 11-13, 15, 21-23, 25, 28 & 34-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burdette et al., [U.S. Patent 5,956,876] in view of Geistert et al., [U.S. Patent 2,054,698] or Costley [U.S. Patent 1,277,869]. Burdette (figures 1-9) teaches of a "kiosk" comprising: a cabinet (42); a face frame (10) releasably securable to the cabinet with the face frame defining an opening (fig. 1); a plurality of cross member connection points (viewed as a various sampling of elements 46 along the periphery) on the face frame; hardware connection points (viewed as a different sampling of elements 46 along the periphery) on the face frame; a plurality of cross members (44) having ends, a plurality of interstitial cross member connection points (outermost elements 46 on members 44 – for example) situated between the ends, and interstitial connection points (innermost elements 46 on members 46 – for example); a plurality of hardware components (viewed now as elements 14) having at least three sides and a front face – the components being of varying sizes and shapes. One edge of the face frame being hinged to a corresponding edge of the cabinet [col. 3, lines 31-34 & lines 50-53]. The hardware components being sized and configured such that they project substantially directly inward into the cabinet when the face

Art Unit: 3637

frame is secured to the cabinet. One of the components being a keyboard (hardware component now viewed as element 70) and a housing (58) for containing the keyboard, wherein the keyboard is secured to the face frame indirectly through the keyboard housing. The kiosk further comprising a door (40) wherein the face frame is the door (col. 3, lines 31-32). The connection points being a plurality of spaced apart holes that are capable of receiving a fastener. The connection points all being structurally equivalent to one another. Burdette teaches applicant's inventive claimed "kiosk" as disclosed above, including the concept of utilizing different apertured panels (44) within the frame for use with the cabinet in order to customize the machine depending upon a particular location, the modules or components can be readily changed to suite the needs of the perspective user. Burdette provides an arrangement whereby the appearance of the device can be completely changed on site and customized for a specific location and easy to switch between setups. Burdette does not show the use of cross members that are releasably securable to the face frame or securable to each other [the position is taken that Burdette shows the cross members as being integrally formed into an apertured panel, with the panel able to be substituted for a similar panel of a varied cross member arrangement]. However, Both Geistert and Costley describe display face frames that utilize a plurality of cross members (3, 3e, 3f [Geistert] & P, M [Costley]) that are removably secured to a face frame (3d's & frame respectively) so as to provide an interchangeable space that can be divided depending upon the needs or preferences of a user. Geistert further discloses the known use of a faceplate (12) secured to one of the cross members {indirectly secured} wherein a hardware component (8) is secured to the faceplate such that the component is secured to the cross member indirectly, and additionally discloses the known use of

Art Unit: 3637

interchanging the location of the cross members so that they can be attached to the frame or to one another. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the “kiosk” of Burdette so as to incorporate distinct cross members that are removably securable to a face frame as taught by both Geistert and Costley because this arrangement would provide Burdette with the means to quickly and easily subdivide the face frame via the interchangeable cross members so as to customize the device depending upon the needs of a user without having to stock multiple back panels having different configurations.

Allowable Subject Matter

7. Pending further review and consideration, Claims 8, 27 [dependent upon claim 25] & 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Horne et al., describes a cabinet with a face frame containing hardware components.

Art Unit: 3637

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
August 9, 2007